

Exhibit 42

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MASTER DOCKET 18-MD-2865 (LAK)
CASE NO. 18-CV-09797

IN RE:)
)
)

CUSTOMS AND TAX ADMINISTRATION OF)
THE KINGDOM OF DENMARK)
(SKATTEFORVALTNINGEN) TAX REFUND)
SCHEME LITIGATION)
)
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* CONFIDENTIAL *
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REMOTE VTC VIDEOTAPED DEPOSITION UNDER ORAL
EXAMINATION OF
JENS BROCHNER
DATE: April 29, 2021

REPORTED BY: MICHAEL FRIEDMAN, CCR

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7 (Pages 22 to 25)

<p style="text-align: right;">Page 22</p> <p>1 Q And the Minister of Finance and the</p> <p>2 Minister of Taxation are different people at</p> <p>3 any given point in time.</p> <p>4 Is that correct?</p> <p>5 A Yes, that's correct.</p> <p>6 Q And so, the Ministry of Finance and</p> <p>7 the Ministry of Taxation are distinct and</p> <p>8 separate from each other.</p> <p>9 Correct?</p> <p>10 MR. OXFORD: Object to the form.</p> <p>11 A Yes, it's correct. But it's part</p> <p>12 of the overall of all the ministries in</p> <p>13 Denmark.</p> <p>14 Q So each Ministry in Denmark is part</p> <p>15 of the government of the Kingdom of Denmark.</p> <p>16 Correct?</p> <p>17 A Yes, that's correct.</p> <p>18 Q And each Ministry is distinct and</p> <p>19 separate from each other, and distinct and</p> <p>20 separate from the Kingdom of Denmark.</p> <p>21 Correct?</p> <p>22 MR. OXFORD: Object to the form.</p> <p>23 A That's not correct. That is -- you</p> <p>24 cannot interpret it in that way.</p> <p>25 Q Why is that not correct?</p>	<p style="text-align: right;">Page 24</p> <p>1 provides that revenue to the Ministry of</p> <p>2 Finance.</p> <p>3 Correct?</p> <p>4 A So according to Danish constitution</p> <p>5 or under the Danish constitution, the</p> <p>6 government has to present a finance bill once</p> <p>7 a year. And the finance bill includes all</p> <p>8 the taxes, direct and indirect taxes, that</p> <p>9 the SKAT is responsible for collecting.</p> <p>10 And in the finance bill is all the</p> <p>11 expenditure that the Danish government wants</p> <p>12 to pay for. And formally, it's the Finance</p> <p>13 Minister who presents the finance bill.</p> <p>14 The taxes and revenues are</p> <p>15 collected by the Ministry of Taxation, and</p> <p>16 that's by law in Denmark.</p> <p>17 Q And the Ministry of Taxation then</p> <p>18 remits the tax revenue to the Ministry of</p> <p>19 Finance to deposit into the public accounts.</p> <p>20 Correct?</p> <p>21 MR. OXFORD: Objection.</p> <p>22 A The Ministry of Taxation collects</p> <p>23 the funds and deposits the funds in the -- in</p> <p>24 an account with the Danish Central Bank. So</p> <p>25 the Finance Ministry is authorized to spend</p>
<p style="text-align: right;">Page 23</p> <p>1 MR. OXFORD: Objection.</p> <p>2 A So we have government of Ministers</p> <p>3 in Denmark. And each of the Ministers is a</p> <p>4 part, or forms part, or is a member of the</p> <p>5 Danish government.</p> <p>6 And therefore, each Ministry is an</p> <p>7 integral part of the Kingdom of Denmark.</p> <p>8 Q The Ministry of Finance is</p> <p>9 responsible for funding the government of the</p> <p>10 Kingdom of Denmark.</p> <p>11 Correct?</p> <p>12 A That's not correct. So it's not</p> <p>13 correct.</p> <p>14 Revenues come from the Ministry of</p> <p>15 Taxation, and it appears from the annual</p> <p>16 finance bills.</p> <p>17 Q So SKAT's job is to collect tax</p> <p>18 revenue.</p> <p>19 Correct?</p> <p>20 MR. OXFORD: Object to form.</p> <p>21 A Yes, it's correct. And it's not --</p> <p>22 it's correct, and it's -- in order to fund</p> <p>23 the expenditure, the Danish government passes</p> <p>24 legislation, yeah.</p> <p>25 Q After SKAT collects tax revenue, it</p>	<p style="text-align: right;">Page 25</p> <p>1 the money according to the finance bill, the</p> <p>2 money collected, as I explained.</p> <p>3 Q Does the Ministry -- I apologize.</p> <p>4 Are you done?</p> <p>5 A I'm done.</p> <p>6 Q Okay. Does the Ministry of Finance</p> <p>7 have exclusive authority to spend the money</p> <p>8 in that -- in that account with the Danish</p> <p>9 Central Bank?</p> <p>10 A So the Ministry of Finance has only</p> <p>11 authority to spend money if it is under the</p> <p>12 Finance -- to spend money under the Finance</p> <p>13 Act that has been passed by the Danish</p> <p>14 Parliament or a separate -- separate law that</p> <p>15 has been passed by the Danish Parliament.</p> <p>16 THE VIDEOGRAPHER: Stand by. The</p> <p>17 time is 6:41 a.m. New York time and</p> <p>18 we're going off the record.</p> <p>19 (Whereupon a discussion was held</p> <p>20 off the record.)</p> <p>21 THE VIDEOGRAPHER: Stand by. The</p> <p>22 time is 6:43 a.m. New York time and</p> <p>23 we're back on record.</p> <p>24 Q Does the money in the account in</p> <p>25 the Danish Central Bank belong to SKAT?</p>

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8 (Pages 26 to 29)

<p style="text-align: right;">Page 26</p> <p>1 MR. OXFORD: Objection.</p> <p>2 A It belongs to the Kingdom of</p> <p>3 Denmark. It's important to me to say that</p> <p>4 you cannot pay any expenditure in Denmark</p> <p>5 unless it's passed by law, it's been enacted</p> <p>6 in Denmark, and that is through the finance</p> <p>7 bill.</p> <p>8 And in the finance bill is a</p> <p>9 specification of -- or appears the taxes,</p> <p>10 direct and indirect taxes, and the Minister</p> <p>11 of Taxation is responsible for collecting</p> <p>12 those taxes.</p> <p>13 Q Does SKAT have any discretion as to</p> <p>14 what to do with the money it collects?</p> <p>15 A No. Because, as I said before, the</p> <p>16 expenditure must appear from the finance</p> <p>17 bill.</p> <p>18 Q Is SKAT's budget set by the finance</p> <p>19 bill?</p> <p>20 A Yes, that's correct.</p> <p>21 Q Okay. The amount of tax revenues</p> <p>22 that SKAT collects each year varies, right,</p> <p>23 varies from year to year?</p> <p>24 A Yes, the revenues may vary from</p> <p>25 year to year, partly because of different</p>	<p style="text-align: right;">Page 28</p> <p>1 off the record.)</p> <p>2 THE VIDEOGRAPHER: Stand by. The</p> <p>3 time is 6:50 a.m. New York time and</p> <p>4 we're back on record.</p> <p>5 Q So the question was whether SKAT</p> <p>6 has an obligation to pay a specific amount to</p> <p>7 the Ministry of Finance in a particular year?</p> <p>8 MR. OXFORD: Objection to form.</p> <p>9 A I think the question is unclear.</p> <p>10 MR. OXFORD: Can you rephrase,</p> <p>11 Alan? Maybe that will -- were you done?</p> <p>12 MR. SCHOENFELD: Sure.</p> <p>13 Q Whatever SKAT collects gets handed</p> <p>14 over to the Ministry of Finance.</p> <p>15 Correct?</p> <p>16 A So it's collected and deposited in</p> <p>17 an account with the Central Bank. And as I</p> <p>18 said before, as I said, the authorization and</p> <p>19 all expenditure is stated or included in the</p> <p>20 finance bill.</p> <p>21 If there's one year where the</p> <p>22 revenue does not correspond to the expected</p> <p>23 revenue as in all -- like in all other</p> <p>24 countries, it is reflected in the balance and</p> <p>25 is reflected in the debts, national debt</p>
<p style="text-align: right;">Page 27</p> <p>1 cycles, economic cycles from year to year.</p> <p>2 But the rules have been laid down by law, and</p> <p>3 for an individual person with unchanged</p> <p>4 income will pay the same tax year after year.</p> <p>5 Q But SKAT doesn't have an obligation</p> <p>6 to pay specific amounts to the Ministry of</p> <p>7 Finance in a particular year.</p> <p>8 Correct?</p> <p>9 MR. OXFORD: Objection.</p> <p>10 A I think the question is unclear.</p> <p>11 The Ministry of Taxation has an obligation to</p> <p>12 collect taxes, direct and indirect taxes.</p> <p>13 Yeah.</p> <p>14 So the Ministry of Taxation has an</p> <p>15 obligation to collect taxes according to</p> <p>16 applicable rules. And these revenues appear</p> <p>17 from the finance bill.</p> <p>18 MR. OXFORD: Could I just</p> <p>19 interject? I think we have a little</p> <p>20 issue with the translation. Can we go</p> <p>21 off the record for a moment?</p> <p>22 THE VIDEOGRAPHER: Stand by. The</p> <p>23 time is 6:49 a.m. New York time and</p> <p>24 we're going off the record.</p> <p>25 (Whereupon a discussion was held</p>	<p style="text-align: right;">Page 29</p> <p>1 account. And in the finance bill is expected</p> <p>2 revenue and expected expenditure, and the</p> <p>3 difference is the public sector deficit or</p> <p>4 surplus.</p> <p>5 Q Does SKAT suffer any direct</p> <p>6 financial loss if there's a shortfall in tax</p> <p>7 collections?</p> <p>8 MR. OXFORD: Objection to the form.</p> <p>9 A So SKAT is an integral part of the</p> <p>10 Danish government, and therefore, there's a</p> <p>11 loss to the Danish population, the people of</p> <p>12 Denmark, if revenues are not as anticipated.</p> <p>13 Q Okay. All right. Let's go back to</p> <p>14 your arrival at SKAT in 2012.</p> <p>15 MR. OXFORD: Objection to the form.</p> <p>16 I think you mean the Ministry.</p> <p>17 Q So when you arrived at the Ministry</p> <p>18 of Taxation in 2012, what were your</p> <p>19 responsibilities?</p> <p>20 A I was hired as a permanent</p> <p>21 secretary.</p> <p>22 Q And so, as permanent secretary,</p> <p>23 what were your responsibilities?</p> <p>24 A I was the top administrative</p> <p>25 employee, public employee. I was the top</p>

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<p>1 on, and the budget for the Ministry, and 2 presumably also notes on the various budget 3 areas, the various operating areas. 4 Q Anything else you can remember? 5 A As I mentioned before, I had 6 conversations with the various responsible 7 directors, operating directors, where they 8 told me about their areas of responsibility. 9 Q Did you review any internal audit 10 reports? 11 MR. OXFORD: Objection to form. 12 A Not as I remember at the time. 13 Q In your review of these documents 14 and conversations with Ministry personnel, 15 did the issue of dividend withholding tax or 16 dividend withholding tax refunds come up? 17 A As I remember, we didn't. 18 Q If I refer to an organization 19 within the Ministry known as "SIR," are you 20 familiar with what I'm referring to? 21 A Yes, I do. 22 Q And what is — if I refer to it as 23 "SIR," will you understand what I'm referring 24 to? 25 A Yeah.</p>	<p>1 Q Please, go ahead. 2 THE INTERPRETER: We couldn't hear 3 what you said now. 4 Q I interrupted him. I said, 5 "Please, go ahead." 6 A And there was an audit plan 7 specifying the tasks that SIR had to perform 8 on behalf of the National Audit Office. 9 Q Could personnel within the Ministry 10 of Taxation request that SIR undertake an 11 audit of a particular function? 12 A Yes. The two were able to plan the 13 work in a proper way. There was an audit 14 plan in the systems. 15 Q Did you review any audit plans as 16 part of your transition into your new role? 17 A I had a meeting with the National 18 Audits officer, the top audit officer when I 19 took up my position. And she told me that, 20 generally, she was not satisfied with the job 21 carried out by SIR. 22 So, therefore, one of my first 23 tasks was to enhance the quality, improve the 24 quality of SIR's work, including finding a 25 new head of the area SIR.</p>
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<p>1 Q Okay. And so what is or was SIR? 2 THE INTERPRETER: Excuse me? Could 3 you repeat? 4 Q Sure. What is or was SIR? 5 A SIR was a department tax — 6 Ministry of Taxation's internal audits 7 department. 8 Q And did it exist when you took over 9 as permanent secretary in 2012? 10 A Yes, it did. 11 Q What were its functions at that 12 point in time? 13 A SIR was to audit the Ministry of 14 Taxation on behalf of the National Audit 15 Office. So SIR was an independent entity, 16 but under an agreement with the National 17 Audit Office, it was to carry out audits on 18 behalf of the National Audit Office. 19 Q Did SIR need to be told to perform 20 particular audits or did it have a general 21 auditing function? 22 MR. OXFORD: Objection to form. 23 A SIR was to audit the Ministry of 24 Taxation on behalf of the National Audit 25 Office.</p>	<p>1 Q My question was: Did you review 2 any audit plans as part of your transition 3 into your new role? 4 A No. I have answered "no" before. 5 Q Did you review any audits that SIR 6 had performed as part of your transition? 7 A No, not as I remember. 8 Q You referred to the National Audit 9 Office officer who you met with. 10 Was that Lone Ström? 11 A Yes, that's correct. 12 Q Okay. And I should apologize in 13 advance for the massacring of all of the 14 Danish names and words that's about to 15 happen. So I hope you'll forgive me. 16 MR. OXFORD: We'll give you a 17 running apology, Alan. 18 MR. SCHOENFELD: Okay, yeah. That 19 applies to everything. 20 Q So — and I apologize. 21 Lone Ström is a man or a woman? 22 A It's a woman. 23 Q Okay. And so did Ms. Ström have 24 responsibility within the National Audit 25 Office for the Ministry of Taxation?</p>

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22 (Pages 82 to 85)

<p style="text-align: right;">Page 82</p> <p>1 the specific documents and ask about them.</p> <p>2 Q When you learned about this alleged</p> <p>3 fraud in August of 2015, did you do anything</p> <p>4 to educate yourself about the process for</p> <p>5 claiming dividend withholding tax refunds?</p> <p>6 A Yes. It was and it still is a huge</p> <p>7 case. And, at the time, we asked the</p> <p>8 internal audit department to investigate what</p> <p>9 was going on.</p> <p>10 Q And what did you learn from that</p> <p>11 audit?</p> <p>12 A Well, the audit report was prepared</p> <p>13 very -- very quickly, and it specified the</p> <p>14 general challenges and specific challenges</p> <p>15 relating to these refunds.</p> <p>16 And I believe it was -- and the</p> <p>17 report was prepared in September '15.</p> <p>18 Q Did you undertake to learn what</p> <p>19 controls had been in place for the process</p> <p>20 regarding the approval of dividend</p> <p>21 withholding tax refunds prior to the</p> <p>22 discovery of the alleged fraud?</p> <p>23 A No, I didn't.</p> <p>24 Q Sitting here today, do you have any</p> <p>25 understanding of what sorts of controls were</p>	<p style="text-align: right;">Page 84</p> <p>1 A Yes, I understand.</p> <p>2 Q There's a lot of background noise</p> <p>3 that's making it a little bit hard to hear.</p> <p>4 I don't know if it's coming from inside your</p> <p>5 room or otherwise.</p> <p>6 MR. OXFORD: There's no noise in</p> <p>7 this room.</p> <p>8 MR. SCHOENFELD: Mike, are you able</p> <p>9 to hear her okay?</p> <p>10 (Whereupon a discussion was held</p> <p>11 off the record.)</p> <p>12 Q Okay. So, Mr. Brochner, do you</p> <p>13 know whether, during this time period, SKAT</p> <p>14 did anything to verify whether refund</p> <p>15 applicants owned the shares they claimed to</p> <p>16 own before SKAT paid the refunds?</p> <p>17 A I think -- although it's not</p> <p>18 specific, I think it's a bit general. But</p> <p>19 for each claim, there are certain</p> <p>20 requirements that have to be for the refund</p> <p>21 to be paid out.</p> <p>22 So, for each claim, certain</p> <p>23 requirements have to be met, for example,</p> <p>24 third-party declarations regarding the</p> <p>25 beneficial owner or the underlying owner, and</p>
<p style="text-align: right;">Page 83</p> <p>1 in place during the period January 2012 to</p> <p>2 August 2015?</p> <p>3 THE INTERPRETER: Now your voice is</p> <p>4 completely blurred. I couldn't hear it.</p> <p>5 MR. SCHOENFELD: I'm sorry. Can</p> <p>6 you hear me now?</p> <p>7 MR. OXFORD: Can you ask the</p> <p>8 question again, Alan, please?</p> <p>9 MR. SCHOENFELD: Yes.</p> <p>10 Q Okay. Sitting here today, do you</p> <p>11 have any understanding of what sorts of</p> <p>12 controls were in place during the period</p> <p>13 January 2012 to August 2015?</p> <p>14 MR. OXFORD: Objection to form.</p> <p>15 A Again, it's a very broadly defined</p> <p>16 question. Well, based on the knowledge I</p> <p>17 have today, there were controls, but they</p> <p>18 were based on falsified third-party documents</p> <p>19 for each of the claims for refund.</p> <p>20 Q All right. I'm going to ask you a</p> <p>21 series of questions about the particular</p> <p>22 controls, and for each of them, the period</p> <p>23 that I would like to understand your answer</p> <p>24 is January of 2012 to August of 2015.</p> <p>25 Do you understand that?</p>	<p style="text-align: right;">Page 85</p> <p>1 attests from foreign tax authorities, and</p> <p>2 documentation for the tax rates applicable</p> <p>3 for the application.</p> <p>4 Q So in order to claim a refund of</p> <p>5 withheld dividend tax, the applicant needed</p> <p>6 to state that they were the beneficial owner</p> <p>7 of particular shares.</p> <p>8 Correct?</p> <p>9 A Yes, that's correct.</p> <p>10 Q What did SKAT do to verify whether</p> <p>11 the applicant was, in fact, the beneficial</p> <p>12 owner of those shares?</p> <p>13 MR. OXFORD: Objection to the form.</p> <p>14 Asked and answered. You can answer</p> <p>15 again.</p> <p>16 A It's a general issue you've raised</p> <p>17 here. It's a general issue you raise here,</p> <p>18 and regarding -- but it concerns the way the</p> <p>19 stock markets and the banking systems work</p> <p>20 when you don't have a complete register of</p> <p>21 owners. And that doesn't apply only in</p> <p>22 Denmark, but also in other countries.</p> <p>23 So SKAT based its controls on</p> <p>24 documentation provided by custodian banks of</p> <p>25 who was the beneficial owner of the shares.</p>

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31 (Pages 118 to 121)

<p style="text-align: right;">Page 118</p> <p>1 upper right-hand corner indicates that it was 2 read by someone on May 31, 2013. 3 Correct? 4 A Yes, that's correct. 5 Q Do you recognize that signature? 6 THE INTERPRETER: He says he 7 doesn't recognize the signature, but 8 it's the signature of Mr. Rasmussen, 9 head of Audit, Internal Audit — the 10 head of Internal Audit. 11 Q Was Mr. Rasmussen still the head of 12 Internal Audit as of May 31, 2013? 13 MR. SCHOENFELD: Let's go off the 14 record. 15 THE VIDEOGRAPHER: Stand by. The 16 time is 12:46 p.m. New York time and 17 we're going off the record. 18 (Whereupon a discussion was held 19 off the record.) 20 (Brief recess taken.) 21 THE VIDEOGRAPHER: Stand by. The 22 time is 12:51 p.m. New York time and 23 we're back on record. 24 Q So, Mr. Brochner, I think you said 25 that this is Mr. Rasmussen's signature.</p>	<p style="text-align: right;">Page 120</p> <p>1 2013? 2 A Yes. By a regrettable mistake of 3 procedures in the department, I did not 4 receive the report. But the report was sent 5 to the director responsible for the area in 6 SKAT and to the National Audit Office. 7 And the procedures in place for 8 these reports at the time was that, 9 precisely, the responsible director of SKAT 10 had to make action plans relevant to — or 11 reflecting the recommendations made in the 12 report. 13 Q Do you know whether the director to 14 whom you delegated communications with 15 Mr. Rasmussen received this report? 16 A I don't remember. 17 Q Who was the director responsible 18 for the area in SKAT relevant to this 2013 19 report? 20 A The top director with 21 responsibility for this area was Jens 22 Sørensen. 23 Q And do you know whether Jens 24 Sørensen received and reviewed the report in 25 or around May of 2013?</p>
<p style="text-align: right;">Page 119</p> <p>1 Correct? 2 A Yes, that's correct. 3 Q Was Mr. Rasmussen still head of 4 Internal Audit as of May 31, 2013? 5 MR. OXFORD: Objection to the form. 6 A Yes, as far as I remember, he was. 7 Q Okay. And at this point in time, 8 is it still the case that you weren't 9 communicating directly with him? 10 A Is the question to be understood 11 that I got this report, or that I was having 12 meetings with him? 13 Q No. My question was — you 14 testified earlier that you didn't have direct 15 communications with Mr. Rasmussen when you 16 took over as permanent secretary. 17 Is that right? 18 A Yes, it's correct. I delegated 19 that task to one of my directors. 20 Q And was that still the case as of 21 May 31, 2013? 22 A Yes, it was also the case at that 23 time. 24 Q Is it your testimony that you did 25 not receive this report on or around May 30,</p>	<p style="text-align: right;">Page 121</p> <p>1 A I'm pretty sure about that. 2 Because, at the same time, action plans had 3 to be made as a response to this report. 4 And these action plans all had to 5 be dealt with in the — at the executive 6 board of SKAT. 7 Q Of which you were the chairman. 8 Correct? 9 A No. It was SKAT as an agency. 10 We're talking about the period after the 11 1st of January 2013. 12 Q Are you aware of action plans that 13 were prepared to respond to the findings of 14 this report? 15 A Yes, I have subsequently become 16 aware of that. 17 Q Can you describe the content of the 18 action plans? 19 A The action plans were to address 20 the comments on Page 15 of the report. 21 Q Have you physically reviewed the 22 action plans? 23 MR. OXFORD: Object to the form. 24 A I've had the action plans presented 25 to me after this case was made known in</p>

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35 (Pages 134 to 137)

<p style="text-align: right;">Page 134</p> <p>1 MR. OXFORD: I'll object to the 2 form, and it misstates the witness' 3 testimony. He referred to a specific 4 page and specific paragraphs, not the 5 whole report. 6 A So the report is -- on Page 6 of 7 the report, and the conclusion on Page 6, 8 it's not my reading of it. It's SIR's 9 conclusion and SIR's thought. 10 Q Let's look at Paragraph 76 of the 11 2016 National Audit Office report, which is 12 Exhibit 3008 in your binder. 13 MR. SCHOENFELD: Mark this as 3008. 14 (Whereupon the above mentioned was 15 marked for Identification.) 16 Q So that paragraph, as I understand 17 it, says that the 2013 audit report dealt 18 first and foremost with reimbursement of 19 dividend tax through the bank program. 20 Is that right? 21 A It's correct that this is the 22 conclusion by the National Audit Office. But 23 when you read the SIR report from 2013 and 24 Page 6, that's not the conclusion that's 25 stated there.</p>	<p style="text-align: right;">Page 136</p> <p>1 A So in the -- in the report from 2 '15, it says in Paragraph 34 that "SKAT needs 3 to protect itself better against wrongful 4 reimbursement of dividend tax," and that that 5 concerns the bank scheme. 6 And that appears on Page 6 of the 7 report. 8 Q That's your answer to the question? 9 A Yes. 10 Q Okay. It's your testimony that you 11 never -- you didn't receive the 2013 report 12 in 2013. 13 Correct? 14 MR. OXFORD: Objection, asked and 15 answered. 16 A So as I said before, by a 17 regrettable mistake, I did not receive the 18 report. The report was sent according to the 19 completely normal procedures. 20 It was sent to the responsible 21 management in SKAT and to the National 22 Office -- Audit Office. And according to 23 normal procedure, an action plan was 24 prepared. 25 Q If you had received the report in</p>
<p style="text-align: right;">Page 135</p> <p>1 Q Do you disagree with the conclusion 2 in the second sentence of this paragraph that 3 says that "the audit report pointed to a 4 general need for SKAT to protect itself 5 better from wrongful reimbursement of 6 dividend tax?" 7 MR. OXFORD: Objection to the form. 8 You can answer. 9 A I conclude that's the comment by 10 the National Audit Office and their 11 conclusion from the 2013 report. 12 Q Do you disagree with that 13 conclusion? 14 A I disagree with you presenting it 15 as a seriously criticizing report. 16 Q I'm not presenting it as anything. 17 I'm asking whether you agree that 18 the audit report from 2013 pointed to a 19 general need for SKAT to protect itself 20 better from wrongful reimbursement of 21 dividend tax? 22 MR. OXFORD: Object to the form. 23 Asked and answered. You've asked the 24 witness half a dozen times now, but he 25 can answer again.</p>	<p style="text-align: right;">Page 137</p> <p>1 2013, would you have taken additional actions 2 with respect to the concerns identified in 3 the report? 4 MR. OXFORD: I object to the form 5 of the question. 6 A It's a hypothetical question. As 7 the report did not raise particular 8 criticism, a special criticism, I wouldn't 9 believe that I would take separate steps or 10 specific steps in response to it. 11 And the National Audit Office read 12 the report in the same way. 13 Q Let's look at Tab 3027 of your 14 binder, please. 15 MR. SCHOENFELD: Mark this as 3027. 16 (Whereupon the above mentioned was 17 marked for Identification.) 18 THE INTERPRETER: Yes, we have 19 found it, or he has found it. 20 Q Have you seen this report 21 previously? 22 A Yes. 23 Q Did you receive this report in 24 2014? 25 A Yes, I did.</p>

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37 (Pages 142 to 145)

<p style="text-align: right;">Page 142</p> <p>1 Correct?</p> <p>2 A Yes, that's correct.</p> <p>3 Q So apart from stopping the payouts,</p> <p>4 are you aware of anything that was done</p> <p>5 following the fraud -- actually, I withdraw</p> <p>6 the question.</p> <p>7 Let's look at Exhibit 3021 in the</p> <p>8 binder.</p> <p>9 MR. SCHOENFELD: Mark this as 3021.</p> <p>10 (Whereupon the above mentioned was</p> <p>11 marked for Identification.)</p> <p>12 Q Are you there?</p> <p>13 A Yes.</p> <p>14 THE INTERPRETER: Yes. Sorry.</p> <p>15 Q Do you recall this press release?</p> <p>16 A No, but -- but I know what it says</p> <p>17 in it now that I see it.</p> <p>18 Q Do you know why it happens to be</p> <p>19 issued in March of 2016?</p> <p>20 A Well, the timing is probably</p> <p>21 irrelevant. What it says in the press</p> <p>22 release is that SKAT resumes payouts of</p> <p>23 dividend tax in certain areas.</p> <p>24 Q And in the paragraph beginning</p> <p>25 "Siden," S-I-D-E-N, it references much higher</p>	<p style="text-align: right;">Page 144</p> <p>1 be -- this information has to be verified.</p> <p>2 Q And how did SKAT begin to verify</p> <p>3 that information?</p> <p>4 A By asking for underlying</p> <p>5 documentation for the information.</p> <p>6 Q Do you know what underlying</p> <p>7 documentation they now ask for?</p> <p>8 A I don't know in detail. Well, it</p> <p>9 is done by third-party information from the</p> <p>10 custodian bank.</p> <p>11 It's not just accepted and relied</p> <p>12 on, but that the custodian banks are -- well,</p> <p>13 the third-party information from the</p> <p>14 custodian banks is not just accepted and</p> <p>15 relied on, but they -- the custodian banks</p> <p>16 have to verify the information they provide</p> <p>17 is correct.</p> <p>18 MR. SCHOENFELD: Let's take a</p> <p>19 five-minute break so I can organize</p> <p>20 myself. And let's come back at 2:35.</p> <p>21 Does that work?</p> <p>22 MR. OXFORD: Okay.</p> <p>23 THE VIDEOGRAPHER: Stand by. The</p> <p>24 time is 2:26 p.m. New York time and</p> <p>25 we're going off the record.</p>
<p style="text-align: right;">Page 143</p> <p>1 documentation requirements for reimbursement</p> <p>2 claims.</p> <p>3 Correct?</p> <p>4 A Yes, that's correct.</p> <p>5 Q Do you know what the much higher</p> <p>6 documentation requirements for reimbursement</p> <p>7 claims it's talking about?</p> <p>8 A Yeah. So it references -- refers</p> <p>9 to the fact that when SKAT pays refunds based</p> <p>10 on verification of third-party information</p> <p>11 from custodian banks, it also has to -- also,</p> <p>12 this information has to be checked, this</p> <p>13 third-party information.</p> <p>14 And that requires a lot of</p> <p>15 resources and takes a lot of time.</p> <p>16 Q How specifically do the</p> <p>17 documentation requirements referenced in this</p> <p>18 press release differ from the documentation</p> <p>19 requirements in effect between 2012 and</p> <p>20 August of 2015?</p> <p>21 A So the verification that took place</p> <p>22 in the period from 2012 to 2015, the</p> <p>23 information from the custodian banks will,</p> <p>24 going forward from this time, not just be</p> <p>25 taken in and accepted, but it has to</p>	<p style="text-align: right;">Page 145</p> <p>1 (Brief recess taken.)</p> <p>2 THE VIDEOGRAPHER: Stand by. The</p> <p>3 time is 2:38 p.m. New York time and</p> <p>4 we're back on record.</p> <p>5 Q Mr. Brochner, knowing what you know</p> <p>6 now, would you have done anything differently</p> <p>7 in hindsight between 2012 and 2015?</p> <p>8 MR. OXFORD: Object to the form of</p> <p>9 the question.</p> <p>10 A It's a hypothetical question. And</p> <p>11 if I had known all that I know today, I would</p> <p>12 have, of course, have done</p> <p>13 things -- different things in the period '15</p> <p>14 to -- or 2012 to 2015.</p> <p>15 Q What would you have done?</p> <p>16 MR. OXFORD: Object to the form and</p> <p>17 hypothetical, incomplete. You can</p> <p>18 answer.</p> <p>19 A I don't think the question really</p> <p>20 makes sense. But Denmark has been cheated</p> <p>21 for almost 13 billion Danish kroner, and if I</p> <p>22 had known what I know now, I would have, of</p> <p>23 course, have done things differently.</p> <p>24 Q If you had received the 2013 SIR</p> <p>25 report in May of 2013, are there specific</p>